COMMISSIONERS:
JASON SHAW, Chairman
TIM G. ECHOLS, Vice-Chairman
FITZ JOHNSON
LAUREN "BUBBA" McDONALD
TRICIA PRIDEMORE

FILED
SEP 06 2024
EXECUTIVE SECRETARY
G.P.S.C.



REECE McALISTER
EXECUTIVE DIRECTOR

SALLIE TANNER
EXECUTIVE SECRETARY

Georgia Public Service Commission

(404) 656-4501
(800) 282-5813

244 WASHINGTON STREET, SW
ATLANTA, GEORGIA 30334-5701

FAX: (404) 656-2341
psc.ga.gov

BEFORE THE GEORGIA PUBLIC SERVICE COMMISSION
STATE OF GEORGIA

MAILED
9.10.2024

IN THE MATTER OF:

~~**GUFPA CASE NO. PSC 20-18262, 20-18264, 20-18277 and 20-18278**~~

DOCKET NO. 43389

DOCKET# 43389
DOCUMENT# 219851

I & C Telecom, Inc.,
Respondent

NOTICE OF HEARING AND PROCEDURAL AND SCHEDULING ORDER

To: **I & C Telecom, Inc.**
Attn: Corina Melnichuc
1377 Duncan Lane
Auburn, GA 30011

You are hereby notified that the Georgia Public Service Commission ("Commission") will hold a hearing in the Hearing Room of the Commission, located at 244 Washington Street, S.W., Atlanta, Georgia 30334-5701, **commencing at 10:00 o'clock a.m. on October 23, 2024** and continuing on such further days as the Commission deems necessary until completed, for the purpose of hearing evidence regarding alleged violations of O.C.G.A. T. 25, Ch. 9, as set forth herein under the heading titled "Matters Asserted" that, if proven, may result in the imposition of a penalty against I & C Telecom, Inc. (also referred to herein as "Respondents") in an amount not to exceed $10,000.00 per violation. Notification of the following matters is hereby given:

LEGAL AUTHORITY FOR HEARING

This hearing will be held under the authority and jurisdiction conferred upon the Commission by O.C.G.A. §25-9-13 and §46-2-91; and in accordance with the Georgia Administrative Procedure Act, O.C.G.A. §50-13, and the Rules and Regulations of the Commission.

PROCEDURES

The following are the procedures to which any party to this hearing should adhere with respect to this docket:

1. **Intervention:**

   (a) Any person or party upon whom a statute does not confer an unconditional right to intervene must file an application to intervene within thirty (30) days following the first published notice of the proceedings.

   (b) Applications must clearly specify the docket in which the applicant seeks to intervene. In addition to the requirements prescribed in O.C.G.A. §46-2-59 for applications for leave to intervene, the applicant must: (1) identify other intervening parties or intervening party applicants whose interest is similar to that of the applicant along with an explanation of why the identified intervening parties or intervening party applicant will not adequately represent the applicant's interest: and (2) state the applicant's present intention to submit direct testimony and by whom and on what subject. The requirements identified herein shall constitute a continuing obligation of the applicant or intervening party. Any objections to applications must be filed in accordance with O.C.G.A §46-2-59(d).

   (c) Any application for leave to intervene that is filed late must state the reason why such application was not filed within thirty (30) days of the first published notice. Objections to later intervention application must be filed in conformity with the requirements of O.C.G.A. §46-2-59(d).

   (d) The Commission will take up and rule on applications for leave to intervene at the first hearing date scheduled in this docket.

2. **Service:**

   In addition to filing an original and eight (8) copies of documents, with a 3.5" disk containing the electronic version of the document in either Microsoft Word for text documents or Microsoft Excel format for spreadsheets, with the Commission's Executive Secretary, copies of all pleadings, filings, correspondence, and any other documents related to, and submitted in, the course of this docketed matter should be served upon all other interveners recognized by the Commission in this docket.

3. **Hearing Exhibits:**

   It shall be the responsibility of the party sponsoring any hearing exhibits to see that the court reporter and all parties of record, in addition to the individual Commissioners or hearing officer, receive copies of all exhibits at the time of their introduction at the hearing.

RIGHTS OF RESPONDENT

Respondent have the following rights in connection with this hearing:

(1) To respond to the matters asserted in this document and to present evidence on any relevant issue;

(2) To be represented by counsel at its expense;

(3) To subpoena witnesses and documentary evidence through the Commission by filing requests with the Executive Secretary of the Commission; and

(4) Such other rights as are conferred by law and the rules and regulations of the Commission.

MATTERS ASSERTED

1.

The Commission has the power and authority to enforce the provisions of O.C.G.A. T, 25, Ch 9.

2.

The Commission Staff received reports of multiple probable violation of GUFPA alleging that on or about March 6, 2020, Respondent violated O.C.G.A. T. 25, Ch. 9. A copy of this report is attached hereto as Attachment A. The allegations contained in the report constitute violations of O.C.G.A. T. 25, Ch. 9.

STATUTES INVOLVED

25-9-8(a) Striking, damaging, injuring or loosening any utility facility which has been staked or marked.

25-9-8(b) Failure to exercise reasonable care when excavating or blasting is to take place within the tolerance zone.

25-9-8(e) Failure to notify both the UPC and the affected utility facility owner/operator after a damage occurs

WHEREFORE, THE COMMISSION ORDERS that:

A. This Notice of Hearing and Procedural and Scheduling Order shall be served upon the Respondent by certified mail and shall constitute notice to the Respondent of the matters asserted pursuant to O.C.G.A. §50-13-13(a). A copy of this Order shall be

served upon the Consumers' Utility Counsel pursuant to Commission Rule 515-2-1-.09; and public notice of this investigation and hearing shall be given by the Commission.

B. The Commission hereby adopts the schedule, procedures, and statements regarding the issues and matters asserted set forth within this Order.

C. A motion for reconsideration, rehearing, oral argument, or any other motion shall not stay the effective date of this Order, unless otherwise ordered by the Commission.

D. Jurisdiction over these matters is expressly retained for the purpose of entering such further Order or Orders as this Commission may deem just and proper.

E. The Commission hereby assigns this matter for hearing before its hearing officer, Nancy Gibson.

NOTICE: If Commission Staff determines to its satisfaction that the Respondent has satisfied the obligations of the prior Consent Order, Staff shall be authorized to *nolle prosequi* the Rule Nisi. No continuance or postponement of the above-scheduled hearing will be granted, except upon 72 hours' written notice and except for good cause shown. All requests for continuance should be addressed to Mr. Will Culbreath at Georgia Public Service Commission, 244 Washington Street, SW, Atlanta, Georgia 30334-5701 [facsimile # 404-463-6532] or via e-mail to wculbreath@psc.state.ga.us. Please include documentation in support of your request for continuance. If your presence is required in court or before a government agency on the hearing date scheduled in this Notice, you must provide a copy of the court or agency calendar or subpoena showing the date and time of the conflicting hearing. Only upon receipt of written response from the Commission excusing your appearance are you excused from your duty to appear at the hearing noticed hereby.

The above by action of the Commission in Administrative Session on May 21, 2024.

Sallie Tanner
Executive Secretary

9-6-24
Date

Jason Shaw
Chairman

9-6-24
Date

COMMISSIONERS:

JASON SHAW, Chairman
TIM G. ECHOLS, Vice-Chairman
FITZ JOHNSON
LAUREN "BUBBA" McDONALD
TRICIA PRIDEMORE

REECE McALISTER
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FAX: (404) 656-2341
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BEFORE THE GEORGIA PUBLIC SERVICE COMMISSION

IN THE MATTER OF:	)	
	)	
I & C Telecom, Inc.,	)	DOCKET NO. 43389
RESPONDENTS	)	(PSC Case No. 20-18262,
	)	20-18264, 20-18277 and
	)	20-18278)

CERTIFICATE OF SERVICE

I hereby certify that this Notice of Hearing was filed with the Commission's Executive Secretary and a copy of same was served upon all parties and persons listed below via hand delivery as indicated by an asterisk, or by depositing same in the United States mail.

*Sallie Tanner, Executive Secretary
Georgia Public Service Commission
244 Washington Street, SW
Atlanta, Georgia 30334

I & C Telecom, Inc.
Attn: Corina Melnichuc
1377 Duncan Lane
Auburn, GA 30011

Respectfully Submitted this 10th day of September, 2024:

Maritza Rivera, Admin. Assistant
Facilities Protection Unit
Georgia Public Service Commission
244 Washington St. Ste. 112
Atlanta, GA 30334

COMMISSIONERS:
JASON SHAW, Chairman
TIM G. ECHOLS, Vice-Chairman
FITZ JOHNSON
LAUREN "BUBBA" McDONALD
TRICIA PRIDEMORE

MICHELLE THEBERT
FACILITIES PROTECTION
UNIT DIRECTOR

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12/27/2023

I & C Telecom, Inc.
Attn: Corina Melnichuc
1377 Duncan Lane
Auburn, GA 30011

Date of Incident: Various
Docket #: 43389
Case #: PSC 20-18262, 20-18264, 20-18277 and 20-18278
Incident Location: Various

To Whom It May Concern:

A Notice of Probable Violation(s) ("NOPV") of the Georgia Underground Facility Protection Act ("GUFPA" or the "Act") has been filed with the Georgia Public Service Commission Pipeline/Facilities Safety Office ("Staff") naming you as the probable violator ("Respondent"). A copy of the Act can be found at www.lexisnexis.com/hottopics/gacode (Title 25, Chapter 9). The probable violations alleged are as follows:

O.C.G.A. Violations

25-9-8(a) Striking, damaging, injuring or loosening any utility facility which has been staked or marked.

25-9-8(b) Failure to exercise reasonable care when excavating or blasting is to take place within the tolerance zone.

25-9-8(e) Failure to notify both the UPC and the affected utility facility owner/operator after a damage occurs.

On May 3, 2023, Commission Staff received a "Damage Prevention Training" certificate from Georgia Utility Contractors Association dated April 28, 2023. The respondent is responsible for the $2,500.00 penalty in certified funds or cashier's check to the Georgia Public Service Commission and returning the signed Consent Agreement.

Specific information about the above probable violation(s) is provided in this packet so please read all documentation completely and carefully. In this packet, you will find the NOPV/Incident Report and Consent Agreement.

YOUR AFFIRMATIVE WRITTEN RESPONSE IS REQUIRED WITHIN 30 DAYS OF THE DATE OF THIS NOPV. Failure to respond by executing the consent agreement will result in the issuance of a Rule NISI to be heard before the Georgia Public Service Commission.

If you have any questions, please call me at (404) 463-6526.

Sincerely,

Onterio Johnson
ojohnson@psc.ga.gov
GPSC GUFPA Investigator

DOCKET #43389: I & C TELECOM, INC.							
			INCIDENT ADDRESS				
CASE NUMBER	INCIDENT DATE	REPORT DATE	STREET	CITY	COUNTY		VIOLATION CODES
PSC 20-18262	3/6/2020	4/1/2020	1618 Ivy Spring Drive SE	Marietta	Cobb	Atlanta Gas Light	25-9-8(a), 25-9-8(b), 25-9-8(e)
PSC 20-18264	3/27/2020	4/1/2020	2645 Dallas Highway	Marietta	Cobb	Atlanta Gas Light	25-9-6(c), 25-9-8(e)
PSC 20-18277	3/12/2020	3/25/2020	3130 Cobb Parkway	Marietta	Cobb	Atlanta Gas Light	25-9-8(a), 25-9-8(b)
PSC 20-18278	2/5/2020	2/10/2020	1812 Sandy Plains Road	Marietta	Cobb	Atlanta Gas Light	25-9-8(a), 25-9-8(b)

COMMISSIONERS:
JASON SHAW, Chairman
TIM G. ECHOLS, Vice-Chairman
FITZ JOHNSON
LAUREN "BUBBA" McDONALD
TRICIA PRIDEMORE

MICHELLE THEBERT
FACILITIES PROTECTION
UNIT DIRECTOR

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psc.ga.gov

BEFORE THE GEORGIA PUBLIC SERVICE COMMISSION
STATE OF GEORGIA

IN THE MATTER OF:

I & C Telecom, Inc.,
RESPONDENTS

CASE NUMBER: PSC 20-18262, 20-18264, 20-18277 and 20-18278

CONSENT AGREEMENT

I & C Telecom, Inc., ("Respondent(s)"), hereby agrees to presentation of the following proposed disposition of the above named matter to the Georgia Public Service Commission ("Commission"):

FINDINGS AND CONCLUSIONS:

1.

The Commission has the power and authority to enforce the provisions of the Georgia Underground Facility Protection Act, ("Act"), O.C.G.A. T. 25, Ch. 9.

2.

The Commission received a Notice of Probable Violation ("NOPV"), alleging that on various dates, Respondent(s) violated O.C.G.A. T. 25, Ch. 9. The Staff has recommended to the Commission that the NOPV be resolved pursuant to the terms set forth in this Consent Agreement.

AGREEMENT

By signing below, Respondent(s) hereby agree that this matter should be resolved as follows:

1.

This Consent Agreement, if approved by the Commission, shall constitute a final resolution of this proceeding. Respondent(s) agree that each will abide by the terms of this Consent Agreement.

2.

Respondent(s) agree that each will comply with all applicable provisions of the Act.

3.

Respondent(s) agree to pay to the Commission a penalty of $25,000.00 within thirty (30) days after the date of an Order issued by the Commission approving of this Consent Agreement. Payment must be forwarded to:

Georgia Public Service Commission
Facilities Protection Unit
244 Washington Street, S.W.
Atlanta, Georgia 30334-5701

All payment of penalties must be remitted in certified funds: money order, cashier's check, or official check.

Personal/Company checks will not be accepted.

4.

If Respondent(s) choose training in lieu of paying $20,000.00 of the penalty described above, Respondent(s) agree to promptly complete a training program acceptable to the Commission, ***minimum of five (5) employees required to attend training***. **The respondent will be responsible for completing the training class and submitting the remaining $5,000.00 penalty in certified funds or cashier's check to the Georgia Public Service Commission.**

5.

Respondent(s) understands that all payments will be processed upon receipt. However, this does not release the Respondent of the terms of this agreement.

6.

Respondent(s) understands that failure to comply with the terms of this Consent Agreement could subject each to additional penalties.

7.

This Consent Agreement shall not become effective until and unless approved by the Commission. Respondent(s) enter into this Consent Agreement without admission of fault or liability.

8.

The undersigned authorized representative of the Respondent(s) acknowledges that he/she has read this Consent Agreement and understands its contents. The undersigned representative acknowledges that the undersigned party freely, knowingly and voluntarily enters into this agreement. The undersigned representative hereby consents to the resolution of this proceeding as provided herein.

This _____ day of _____, 20__.

Consented to:
(***Sign, date, and mail, email, or fax***)

_____

On behalf of: I & C Telecom, Inc.

PSC 20-18262, 20-18264, 20-18277 and 20-18278

COMMISSIONERS:
JASON SHAW, Chairman
TIM G. ECHOLS, Vice-Chairman
FITZ JOHNSON
LAUREN "BUBBA" McDONALD
TRICIA PRIDEMORE

MICHELLE THEBERT
FACILITIES PROTECTION
UNIT DIRECTOR

Georgia Public Service Commission

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ATLANTA, GEORGIA 30334-5701

FAX: (404) 463-6532
psc.ga.gov

DAMAGE REPORT (PROBABLE VIOLATION) – PSC 20-18262

INCIDENT INFORMATION

INCIDENT DATE:	3/6/2020	MATERIAL TYPE:	Plastic
FACILITY TYPE:	Gas	SIZE:	2 inch
INCIDENT ADDRESS:	1618 Ivy Spring Drive SE, Marietta		
UTILITY LINE FUNCTION:	Main		
MECHANZIED EQPT.:	Directional Drilling		

LOCATE INFORMATION

LOCATE COMPANY NAME:	USIC Locating Service, Inc.
LOCATE NUMBER:	02210-265-036
WAS FACILITY LOCATED?	Yes
LOCATE MARKS WITHIN 18 INCHES?	Yes

REPORTING INFORMATION

REPORTING COMPANY:	Atlanta Gas Light
CONTACT NAME:	Christy Rainwater
CONTACT NUMBER:	404-584-3135
MAILING ADDRESS:	Ten Peachtree Place N.E.
CITY, STATE, ZIP:	Atlanta, GA 30309
CUSTOMERS AFFECTED:	0
REPAIR COST:	$12,671.00

PROBABLE VIOLATOR INFORMATION

VIOLATOR COMPANY NAME:	I & C Telecom, Inc.
CONTACT NAME:	Corina Melnichuc
CONTACT NUMBER:	773-430-2600
MAILING ADDRESS:	Attn: Corina Melnichuc 1377 Duncan Lane
CITY, STATE, ZIP:	Auburn, GA 30011

FACILITY OWNER INFORMATION

FACILITY OWNER:	Atlanta Gas Light
CONTACT NUMBER:	404-584-3135

PROBABLE VIOLATION(s)

O.C.G.A Violations

25-9-8(a) Striking, damaging, injuring or loosening any utility facility which has been staked or marked.

25-9-8(b) Failure to exercise reasonable care when excavating or blasting is to take place within the tolerance zone.

25-9-8(e) Failure to notify both the UPC and the affected utility facility owner/operator after a damage occurs.

DESCRIPTION OF DAMAGES:

IMC Telecom, Inc. hit 2" gas main with boring equipment while installing new cable conduit.

GEORGIA PUBLIC SERVICE COMMISSION
GEORGIA UNDERGROUND FACILITY PROTECTION ACT

NOPV / INCIDENT REPORT – PSC 20-18262

Mail, Fax or e-mail to:	Georgia Public Service Commission Facilities Protection Unit 244 Washington Street, SW Atlanta, Georgia 30334
Investigator:	Onterio Johnson
Work Number:	(404) 463-6526
Website:	www.psc.state.ga.us
Docket Number:	43389
Case Number:	PSC 20-18262
Report Date:	4/1/2020
Incident Date:	3/6/2020
Facility Owner:	Atlanta Gas Light
Facility Owner Phone:	404-584-3135
Locator:	USIC Locating Service, Inc.
Locator Phone:	317-810-8077
Excavator:	IMC Telecom
Excavator Phone:	773-430-2600
Violator:	I & C Telecom, Inc.
Contact:	Corina Melnichuc
Address:	Attn: Corina Melnichuc 1377 Duncan Lane
City, State, Zip	Auburn, GA 30011
Incident Location:	1618 Ivy Spring Drive SE
Incident City:	Marietta
Incident County:	Cobb
Jurisdiction:	NOT REPORTED

UTILITY LINE IMPACT

Facility Type:	Gas
Material Type:	Plastic
Size (Diameter/Voltage/Pairs/etc.):	2 inch
Pressure (PSIG/Inches):	Medium
Utility Line Function:	Main
Number of Customers Affected:	0
Repair Cost:	$12,671.00

INCIDENT IMPACT

Injury (# of outpatient care):	0
Injury (# of inpatient care):	0
Fatalities:	0
Fire Department Response:	Unknown
Police Department Response:	Unknown

EXCAVATION ACTIVITIES

Utility Ticket Number(s):	02210-265-036
Equipment Involved:	Directional Drilling
Nature of Excavation:	Telecommunications
Direction of Excavation Relative to Damaged Utility Line:	

SYNOPSIS

According to a submitted report of probable violation, I and C Telecom, Inc. was excavating at 1618 Ivy Spring Drive, Marietta, Georgia on March 6, 2020. Atlanta Gas Light reported this incident because I and C Telecom, Inc. struck and damaged a marked gas service facility and failed to exercise reasonable care while excavating within tolerance zone.

INVESTIGATION:

Staff from the Facilities Protection Unit of the Georgia Public Service Commission received a notification of probable violation from Atlanta Gas Light regarding the damage that occurred at 1618 Ivy Spring Drive, Marietta, Georgia on March 6, 2020. The submitted Atlanta Gas Light damage report indicates I and C Telecom, Inc., caused damage to a 2" plastic gas service line. According to the report, the contractor was installing a fiber main and while excavating with boring equipment, the contractor struck and damaged a marked buried gas service facility. This incident was reported as a violation of OCGA 25-9-8(a) Striking, damaging, injuring or loosening any utility facility which has been staked or marked. OCGA 25-9-8(b) Failure to exercise reasonable care when excavating or blasting is to take place within the tolerance zone. OCGA 25-9-8(e) Failure to notify both the UPC (811) and the affected utility facility owner/operator after a damage occurs.

Staff conducted a search of the Georgia (811) locate request database and was able to find a valid locate ticket present. According to the (811) positive response database, the gas service was marked prior to the incident. Staff was unable to find a valid damage ticket covering incident date and address. Damage at incident location coincides with the damage report submitted by Atlanta Gas Light. Thus far, based on this initial information submitted by Atlanta Gas Light; GUFPA staff finds I and C Telecom, Inc., in violation.

CONCLUSION:

The Pipeline/Facilities Safety Staff found **I & C Telecom, Inc.** in violation of:

O.C.G.A. Violations

25-9-8(a) Striking, damaging, injuring or loosening any utility facility which has been staked or marked.

25-9-8(b) Failure to exercise reasonable care when excavating or blasting is to take place within the tolerance zone.

25-9-8(e) Failure to notify both the UPC and the affected utility facility owner/operator after a damage occurs.

This investigation is pending the excavator's (your) response. If no response is submitted, staff will proceed to hearing based solely on the information submitted by the facility owner.

Note: The information you provide will not close the case, it will assist the investigator in his/her investigation to arrive at a more informed conclusion.

COMMISSIONERS:
JASON SHAW, Chairman
TIM G. ECHOLS, Vice-Chairman
FITZ JOHNSON
LAUREN "BUBBA" McDONALD
TRICIA PRIDEMORE

MICHELLE THEBERT
FACILITIES PROTECTION
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ATLANTA, GEORGIA 30334-5701

FAX: (404) 463-6532
psc.ga.gov

DAMAGE REPORT (PROBABLE VIOLATION) – PSC 20-18264

INCIDENT INFORMATION

INCIDENT DATE:	3/27/2020	MATERIAL TYPE:	Plastic
FACILITY TYPE:	Gas	SIZE:	2 inch
INCIDENT ADDRESS:	2645 Dallas Highway, Marietta		
UTILITY LINE FUNCTION:	Main		
MECHANZIED EQPT.:	Directional Drilling		

LOCATE INFORMATION

LOCATE COMPANY NAME:	S&N Locating Services, LLC
LOCATE NUMBER:	02250-400-159
WAS FACILITY LOCATED?	Yes
LOCATE MARKS WITHIN 18 INCHES?	Yes

REPORTING INFORMATION

REPORTING COMPANY:	Atlanta Gas Light
CONTACT NAME:	Christy Rainwater
CONTACT NUMBER:	404-584-3135
MAILING ADDRESS:	Ten Peachtree Place N.E.
CITY, STATE, ZIP:	Atlanta, GA 30309
CUSTOMERS AFFECTED:	2
REPAIR COST:	$6,985.00

PROBABLE VIOLATOR INFORMATION

VIOLATOR COMPANY NAME:	I & C Telecom, Inc.
CONTACT NAME:	Brandon Brown
CONTACT NUMBER:	773-430-2600
MAILING ADDRESS:	1377 Duncan Lane
CITY, STATE, ZIP:	Auburn, GA 30011

FACILITY OWNER INFORMATION

FACILITY OWNER:	Atlanta Gas Light
CONTACT NUMBER:	404-584-3135

PROBABLE VIOLATION(s)

O.C.G.A Violations

25-9-8(a) Striking, damaging, injuring or loosening any utility facility which has been staked or marked.

25-9-8(b) Failure to exercise reasonable care when excavating or blasting is to take place within the tolerance zone.

DESCRIPTION OF DAMAGES:

IMC telecom hit and damaged a 2-inch gas main with a directional drill while boring.

GEORGIA PUBLIC SERVICE COMMISSION
GEORGIA UNDERGROUND FACILITY PROTECTION ACT

NOPV / INCIDENT REPORT – PSC 20-18264

Mail, Fax or e-mail to: Georgia Public Service Commission
Facilities Protection Unit
244 Washington Street, SW
Atlanta, Georgia 30334

Investigator: Onterio Johnson
Work Number: (404) 463-6526

Website: www.psc.state.ga.us

Docket Number: 43389
Case Number: PSC 20-18264

Report Date: 4/1/2020
Incident Date: 3/27/2020

Facility Owner: Atlanta Gas Light
Facility Owner Phone: 404-584-3135

Locator: S&N Locating Services, LLC
Locator Phone: 770-530-8790

Excavator: IMC TELECOM
Excavator Phone: 773-430-2600

Violator: I & C Telecom, Inc.
Contact: Brandon Brown
Address: 1377 Duncan Lane
City, State, Zip Auburn, GA 30011

Incident Location: 2645 Dallas Highway
Incident City: Marietta
Incident County: Cobb
Jurisdiction: NOT REPORTED

UTILITY LINE IMPACT

Facility Type: Gas
Material Type: Plastic
Size (Diameter/Voltage/Pairs/etc.): 2 inch
Pressure (PSIG/Inches): Medium
Utility Line Function: Main
Number of Customers Affected: 2
Repair Cost: $6,985.00

INCIDENT IMPACT

Injury (# of outpatient care): 0
Injury (# of inpatient care): 0
Fatalities: 0
Fire Department Response: Unknown
Police Department Response: Unknown

EXCAVATION ACTIVITIES

Utility Ticket Number(s): 02250-400-159
Equipment Involved: Directional Drilling
Nature of Excavation: Telecommunications
Direction of Excavation Relative to Damaged Utility Line:

SYNOPSIS

According to a submitted report of probable violation, I and C Telecom, Inc. was excavating at 2645 Dallas Highway, Marietta, Georgia on March 27, 2020. Atlanta Gas Light reported this incident because I and C Telecom, Inc. struck and damaged a marked gas service facility and failed to exercise reasonable care while excavating within tolerance zone.

INVESTIGATION:

Staff from the Facilities Protection Unit of the Georgia Public Service Commission received a notification of probable violation from Atlanta Gas Light regarding the damage that occurred at 2645 Dallas Highway, Marietta, Georgia on March 27, 2020. The submitted Atlanta Gas Light damage report indicates I and C Telecom, Inc., caused damage to a 2" plastic gas service line. According to the report, the contractor was installing a fiber main and while excavating with a boring equipment, the contractor struck and damaged a marked buried gas service facility. This incident was reported as a violation of OCGA 25-9-8(a) Striking, damaging, injuring or loosening any utility facility which has been staked or marked. OCGA 25-9-8(b) Failure to exercise reasonable care when excavating or blasting is to take place within the tolerance zone.

Staff conducted a search of the Georgia (811) locate request database and was able to find a valid large project locate ticket present. According to the (811) positive response database, the gas service was marked prior to the incident. Staff was able to find a valid damage ticket covering incident date and address. Damage at incident location coincides with the damage report submitted by Atlanta Gas Light. Thus far, based on this initial information submitted by Atlanta Gas Light; GUFPA staff finds I and C Telecom, Inc., in violation.

CONCLUSION:

The Pipeline/Facilities Safety Staff found **I & C Telecom, Inc.** in violation of:

O.C.G.A. Violations

25-9-8(a) Striking, damaging, injuring or loosening any utility facility which has been staked or marked.

25-9-8(b) Failure to exercise reasonable care when excavating or blasting is to take place within the tolerance zone.

This investigation is pending the excavator's (your) response. If no response is submitted, staff will proceed to hearing based solely on the information submitted by the facility owner.

Note: The information you provide will not close the case, it will assist the investigator in his/her investigation to arrive at a more informed conclusion.

COMMISSIONERS:
JASON SHAW, Chairman
TIM G. ECHOLS, Vice-Chairman
FITZ JOHNSON
LAUREN "BUBBA" McDONALD
TRICIA PRIDEMORE

MICHELLE THEBERT
FACILITIES PROTECTION
UNIT DIRECTOR

Georgia Public Service Commission

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ATLANTA, GEORGIA 30334-5701

FAX: (404) 463-6532
psc.ga.gov

DAMAGE REPORT (PROBABLE VIOLATION) – PSC 20-18277

INCIDENT INFORMATION

INCIDENT DATE:	3/12/2020	MATERIAL TYPE:	Plastic
FACILITY TYPE:	Gas	SIZE:	2 inch
INCIDENT ADDRESS:	3130 Cobb Parkway, Marietta		
UTILITY LINE FUNCTION:	Main		
MECHANZIED EQPT.:	Directional Drilling		

LOCATE INFORMATION

LOCATE COMPANY NAME:	S&N Locating Service, LLC
LOCATE NUMBER:	01270-400-024
WAS FACILITY LOCATED?	Yes
LOCATE MARKS WITHIN 18 INCHES?	Yes

REPORTING INFORMATION

REPORTING COMPANY:	Atlanta Gas Light
CONTACT NAME:	Christy Rainwater
CONTACT NUMBER:	404-584-3135
MAILING ADDRESS:	Ten Peachtree Place N.E.
CITY, STATE, ZIP:	Atlanta, GA 30309
CUSTOMERS AFFECTED:	0
REPAIR COST:	$7,390.00

PROBABLE VIOLATOR INFORMATION

VIOLATOR COMPANY NAME:	I & C Telecom, Inc.
CONTACT NAME:	Leonardo Cruz
CONTACT NUMBER:	773-430-2600
MAILING ADDRESS:	1410 General Arts Road
CITY, STATE, ZIP:	Conyers, GA 30012

FACILITY OWNER INFORMATION

FACILITY OWNER:	Atlanta Gas Light
CONTACT NUMBER:	404-584-3135

PROBABLE VIOLATION(s)

O.C.G.A Violations

25-9-8(a) Striking, damaging, injuring or loosening any utility facility which has been staked or marked.

25-9-8(b) Failure to exercise reasonable care when excavating or blasting is to take place within the tolerance zone.

DESCRIPTION OF DAMAGES:

I&C Telecom Inc. a contractor for Quanta Telecom damaged a 2-inch gas main with a directional drill while boring.

GEORGIA PUBLIC SERVICE COMMISSION
GEORGIA UNDERGROUND FACILITY PROTECTION ACT

NOPV / INCIDENT REPORT – PSC 20-18277

Mail, Fax or e-mail to:	Georgia Public Service Commission Facilities Protection Unit 244 Washington Street, SW Atlanta, Georgia 30334
Investigator:	Onterio Johnson
Work Number:	(404) 463-6526
Website:	www.psc.state.ga.us
Docket Number:	43389
Case Number:	PSC 20-18277
Report Date:	3/25/2020
Incident Date:	3/12/2020
Facility Owner:	Atlanta Gas Light
Facility Owner Phone:	404-584-3135
Locator:	S&N Locating Service, LLC
Locator Phone:	770-530-8790
Excavator:	I&C Telecom Inc.
Excavator Phone:	773-430-2600
Violator:	I & C Telecom, Inc.
Contact:	Leonardo Cruz
Address:	1410 General Arts Road
City, State, Zip	Conyers, GA 30012
Incident Location:	3130 Cobb Parkway
Incident City:	Marietta
Incident County:	Cobb
Jurisdiction:	NOT REPORTED

UTILITY LINE IMPACT

Facility Type:	Gas
Material Type:	Plastic
Size (Diameter/Voltage/Pairs/etc.):	2 inch
Pressure (PSIG/Inches):	Medium
Utility Line Function:	Main
Number of Customers Affected:	0
Repair Cost:	$7,390.00

INCIDENT IMPACT

Injury (# of outpatient care):	0
Injury (# of inpatient care):	0
Fatalities:	0
Fire Department Response:	Unknown
Police Department Response:	Unknown

EXCAVATION ACTIVITIES

Utility Ticket Number(s):	01270-400-024
Equipment Involved:	Directional Drilling
Nature of Excavation:	Telecommunications
Direction of Excavation Relative to Damaged Utility Line:	

SYNOPSIS

According to a submitted report of probable violation, I and C Telecom, Inc. was excavating at 3130 Cobb Parkway, Marietta, Georgia on March 12, 2020. Atlanta Gas Light reported this incident because I and C Telecom, Inc. struck and damaged a marked gas service facility and failed to exercise reasonable care while excavating within tolerance zone.

INVESTIGATION:

Staff from the Facilities Protection Unit of the Georgia Public Service Commission received a notification of probable violation from Atlanta Gas Light regarding the damage that occurred at 3130 Cobb Parkway, Marietta, Georgia on March 12, 2020. The submitted Atlanta Gas Light damage report indicates I and C Telecom, Inc., caused damage to a 2" plastic gas service line. According to the report, the contractor was installing a fiber main and while excavating with boring equipment, the contractor struck and damaged a marked buried gas service facility. This incident was reported as a violation of OCGA 25-9-8(a) Striking, damaging, injuring or loosening any utility facility which has been staked or marked. OCGA 25-9-8(b) Failure to exercise reasonable care when excavating or blasting is to take place within the tolerance zone.

Staff conducted a search of the Georgia (811) locate request database and was able to find a valid large project locate ticket present. According to the (811) positive response database, the gas service was marked prior to the incident. Staff was able to find a valid damage ticket covering incident date and address. Damage at incident location coincides with the damage report submitted by Atlanta Gas Light. Thus far, based on this initial information submitted by Atlanta Gas Light; GUFPA staff finds I and C Telecom, Inc., in violation.

CONCLUSION:

The Pipeline/Facilities Safety Staff found **I & C Telecom, Inc.** in violation of:

O.C.G.A. Violations

25-9-8(a) Striking, damaging, injuring or loosening any utility facility which has been staked or marked.

25-9-8(b) Failure to exercise reasonable care when excavating or blasting is to take place within the tolerance zone.

This investigation is pending the excavator's (your) response. If no response is submitted, staff will proceed to hearing based solely on the information submitted by the facility owner.

Note: The information you provide will not close the case, it will assist the investigator in his/her investigation to arrive at a more informed conclusion.

COMMISSIONERS:
JASON SHAW, Chairman
TIM G. ECHOLS, Vice-Chairman
FITZ JOHNSON
LAUREN "BUBBA" McDONALD
TRICIA PRIDEMORE

MICHELLE THEBERT
FACILITIES PROTECTION
UNIT DIRECTOR

Georgia Public Service Commission

(404) 463-6526
(800) 282-5813

244 WASHINGTON STREET, SW
ATLANTA, GEORGIA 30334-5701

FAX: (404) 463-6532
psc.ga.gov

DAMAGE REPORT (PROBABLE VIOLATION) – PSC 20-18278

INCIDENT INFORMATION

INCIDENT DATE:	2/5/2020	MATERIAL TYPE:	Plastic
FACILITY TYPE:	Gas	SIZE:	4 inch
INCIDENT ADDRESS:	1812 Sandy Plains Road, Marietta		
UTILITY LINE FUNCTION:	Main		
MECHANZIED EQPT.:	Directional Drilling		

LOCATE INFORMATION

LOCATE COMPANY NAME:	USIC Locating Service, Inc.
LOCATE NUMBER:	01300-286-020
WAS FACILITY LOCATED?	Yes
LOCATE MARKS WITHIN 18 INCHES?	Yes

REPORTING INFORMATION

REPORTING COMPANY:	Atlanta Gas Light
CONTACT NAME:	Christy Rainwater
CONTACT NUMBER:	404-584-3135
MAILING ADDRESS:	Ten Peachtree Place N.E.
CITY, STATE, ZIP:	Atlanta, GA 30309
CUSTOMERS AFFECTED:	0
REPAIR COST:	$18,002.00

PROBABLE VIOLATOR INFORMATION

VIOLATOR COMPANY NAME:	I & C Telecom, Inc.
CONTACT NAME:	N/A
CONTACT NUMBER:	773-430-2000
MAILING ADDRESS:	1377 Duncan Lane
CITY, STATE, ZIP:	Auburn, GA 30011

FACILITY OWNER INFORMATION

FACILITY OWNER:	Atlanta Gas Light
CONTACT NUMBER:	404-584-3135

PROBABLE VIOLATION(s)

O.C.G.A Violations

25-9-8(a) Striking, damaging, injuring or loosening any utility facility which has been staked or marked.

25-9-8(b) Failure to exercise reasonable care when excavating or blasting is to take place within the tolerance zone.

DESCRIPTION OF DAMAGES:

I&T Telecom hit and damaged a 4-inch gas main with a directional drill while drilling to install cable conduit.

GEORGIA PUBLIC SERVICE COMMISSION
GEORGIA UNDERGROUND FACILITY PROTECTION ACT

NOPV / INCIDENT REPORT – PSC 20-18278

Mail, Fax or e-mail to:	Georgia Public Service Commission Facilities Protection Unit 244 Washington Street, SW Atlanta, Georgia 30334
Investigator:	Onterio Johnson
Work Number:	(404) 463-6526
Website:	www.psc.state.ga.us
Docket Number:	43389
Case Number:	PSC 20-18278
Report Date:	2/10/2020
Incident Date:	2/5/2020
Facility Owner:	Atlanta Gas Light
Facility Owner Phone:	404-584-3135
Locator:	USIC Locating Service, Inc.
Locator Phone:	317-810-8077
Excavator:	I&C Telecom Inc.
Excavator Phone:	773-430-2000
Violator:	I & C Telecom, Inc.
Contact:	N/A
Address:	1377 Duncan Lane
City, State, Zip	Auburn, GA 30011
Incident Location:	1812 Sandy Plains Road
Incident City:	Marietta
Incident County:	Cobb
Jurisdiction:	NOT REPORTED

UTILITY LINE IMPACT

Facility Type:	Gas
Material Type:	Plastic
Size (Diameter/Voltage/Pairs/etc.):	4 inch
Pressure (PSIG/Inches):	Medium
Utility Line Function:	Main
Number of Customers Affected:	0
Repair Cost:	$18,002.00

INCIDENT IMPACT

Injury (# of outpatient care):	0
Injury (# of inpatient care):	0
Fatalities:	0
Fire Department Response:	Unknown
Police Department Response:	Unknown

EXCAVATION ACTIVITIES

Utility Ticket Number(s):	01300-286-020
Equipment Involved:	Directional Drilling
Nature of Excavation:	Cable TV
Direction of Excavation Relative to Damaged Utility Line:	

SYNOPSIS

According to a submitted report of probable violation, I and C Telecom, Inc. was excavating at 1812 Sandy Plains Road, Marietta, Georgia on February 5, 2020. Atlanta Gas Light reported this incident because I and C Telecom, Inc. struck and damaged a marked gas service facility and failed to exercise reasonable care while excavating within tolerance zone.

INVESTIGATION:

Staff from the Facilities Protection Unit of the Georgia Public Service Commission received a notification of probable violation from Atlanta Gas Light regarding the damage that occurred at 1812 Sandy Plains Road, Marietta, Georgia on February 5, 2020. The submitted Atlanta Gas Light damage report indicates I and C Telecom, Inc., caused damage to a 4" plastic gas service line. According to the report, the contractor was installing conduit lines and while excavating with boring equipment, the contractor struck and damaged a marked buried gas service facility. This incident was reported as a violation of OCGA 25-9-8(a) Striking, damaging, injuring or loosening any utility facility which has been staked or marked. OCGA 25-9-8(b) Failure to exercise reasonable care when excavating or blasting is to take place within the tolerance zone.

Staff conducted a search of the Georgia (811) locate request database and was able to find a valid locate ticket present. According to the (811) positive response database, the gas service was marked prior to the incident. Staff was able to find a valid damage ticket covering incident date and address. Damage at incident location coincides with the damage report submitted by Atlanta Gas Light. Thus far, based on this initial information submitted by Atlanta Gas Light; GUFPA staff finds I and C Telecom, Inc., in violation.

CONCLUSION:

The Pipeline/Facilities Safety Staff found **I & C Telecom, Inc.** in violation of:

O.C.G.A. Violations

25-9-8(a) Striking, damaging, injuring or loosening any utility facility which has been staked or marked.

25-9-8(b) Failure to exercise reasonable care when excavating or blasting is to take place within the tolerance zone.

This investigation is pending the excavator's (your) response. If no response is submitted, staff will proceed to hearing based solely on the information submitted by the facility owner.

Note: The information you provide will not close the case, it will assist the investigator in his/her investigation to arrive at a more informed conclusion.

****** ATTENTION PLEASE READ ****** ****** ATTENTION PLEASE READ ******

You have just received a Notice of Probable Violation (NOPV) from The Georgia Public Service Commission (PSC) and here is why.

Anytime a buried public utility is damaged by mechanized equipment, by law that utility operator must repair the damaged utility and then report the incident to The PSC within 30 days. That utility operator is also required by law to do an investigation to determine the cause of the damage. If the damage was a result of an error made by the Utility operator or the locate company, the utility company must report themselves to the PSC. If the damage was the result of an error made by the contractor, the utility company must report the contractor, and list the dig law violations that may have occurred during the incident. Once the incident is reported, it gets assigned to a Georgia Dig Law Investigator and a notice is mailed.

Please keep in mind you have NOT been found in violation yet. The NOPV is sent to inform you of what has been reported against you, and is pending on a response from you. You must respond to the notice by letting your investigator know if you agree or disagree with the violations.

If you do NOT respond within 30 days, the PSC will proceed, finding you in violation. This decision will be based solely on the information provided by the utility operator.

Contact information for your investigator will be at the bottom of the first page. Please feel free to call or send an email to your investigator, they will be more than happy to assist and walk you through this process.

Common questions about this NOPV

I disagree how do I respond

Check option 1 or 2 on the response options page, return that document to your investigator by USPS or email. Send a statement letting us know why you disagree, along with any documentation or photos that proves why you are not in violation. The investigator will continue the investigation based on your disagreement and will contact you once the investigation is complete.

I agree with the violation, what do I do next?

Check option 3 or 4 on the response options page, Option 3 indicates you agree with the violations and you would like to pay the smaller mitigated penalty by sending employees to a training class. Option 4 indicates you agree with the violation but would rather pay the fine in full instead of attending training. After you've chosen an option, please sign and date the two page consent agreement and return those 3 documents to you investigator by email or USPS. If you chose option 3 you will have 30 days to get the training completed, penalty payments can be mailed or delivered to The Georgia Public Service Commission. Cashier checks or money orders are the only acceptable payment methods at this time.

I hired a subcontractor am I responsible for the violation / I was a subcontractor am I at fault?

The Georgia dig laws falls on whom ever was operating the equipment at the time of the incident. If you receive a notice from the PSC and you hired a sub, you should disagree with the violation. Check the appropriate box, provide a statement saying who you hired and provide documentation (Invoice) and contact information on the sub. Staff at The PSC will remove your name from the notice and reissue the notice to the Subcontractor.

How do I attend damage prevention training?

Use the GUFPA Training list that was provided in the packet to call and schedule the class. The class is a one-day class that usually last about 4 hours. After you complete training, you will get certificates of completion. The training facility will send copies of the certificates to the PSC.

I paid the utility company for the damage why do I have to pay the PSC?

Payment made for the repair cost to the utility company is a civil matter. That repair payment has no bearing over the possible penalty amounts for a violation of the state dig law.

COMMISSIONERS:
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TIM G. ECHOLS, Vice-Chairman
FITZ JOHNSON
LAUREN "BUBBA" McDONALD
TRICIA PRIDEMORE

MICHELLE THEBERT
FACILITIES PROTECTION
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ATLANTA, GEORGIA 30334-5701

FAX: (404) 463-6532
psc.ga.gov

BEFORE THE GEORGIA PUBLIC SERVICE COMMISSION

IN THE MATTER OF:	)	
	)	
I & C Telecom, Inc.,	)	DOCKET NO. 43389
RESPONDENTS	)	(PSC Case No. 20-18262,
	)	20-18264, 20-18277 and
	)	20-18278)

CERTIFICATE OF SERVICE

I hereby certify that this Consent Agreement was served upon all parties and persons listed below by depositing same in the United States mail.

I & C Telecom, Inc.
Attn: Corina Melnichuc
1377 Duncan Lane
Auburn, GA 30011

Valerie Varney, JD, CPA
7420 S. County Line Road
Burr Ridge, IL 60537

Respectfully Submitted this 27th day of December, 2023:

Marilyn K. Morris-Simmons

Marilyn K. Morris-Simmons, Admin. Assistant
Facilities Protection Unit
Georgia Public Service Commission
244 Washington Street, Ste. 112
Atlanta, GA 30334

Georgia Utility Facility Protection Act

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Case Detail

home » Case Detail 91171

Violation

25-9-8(a)	25-9-8(a) Striking, damaging, injuring or loosening any utility facility which has been staked or marked.	Delete
25-9-8(b)	25-9-8(b) Failure to exercise reasonable care when excavating or blasting is to take place within the tolerance zone.	Delete
25-9-8(e)	25-9-8(e) Failure to notify both the UPC and the affected utility facility owner/operator after a damage occurs	Delete
New Violation:	25-9-12#Failure to meet emergency excavation notice requirement (false emergencies)	Add

Case #	PSC 20-18262	Report Date	4/1/2020	Incident Date	3/6/2020	Closed Date	
Docket #	43389	Report #		Incident Address	1618 Ivy Spring Drive SE		
Fine Ordered	25000	Fine Collected	0	Incident City	Marietta	Incident County	Cobb
Mitigated Amount	22500	Fine	2500	Repair Cost	12671	Violation #	
Investigator Name	Onterio Johnson			Jurisdiction	NOT REPORTED		
FAC Owner	Atlanta Gas Light	FAC Owner Phone	404-584-3135	Affected Facility:	Natural Gas	Material:	Plastic
Excavator	IMC Telecom	Excavator Phone	773-430-2600	Size	2 inch	Pressure	Medium
Excavator Type	Contractor	Excavating For: Facility Type	Telecommunications	Company	Unknown/Other		
		Explanation	IMC Telecom for Quanta				
Locator	USIC Locating Servic	Locator Phone	317-810-8077	Utility Line Function	Main	Affected Customer #	0
Locate #	02210-265-036	Equipment Used	Directional Drilling	Telecom Meeting		Energy Meeting	
Nature of Excavation	Telecommunications	Excavation Direction		Final Report	Yes		
Outpatient #	0	Inpatient #	0	Fire Response	UnKnown	Police Response	UnKnown
		Was Facility Located:	Yes			Were locate marks within 18in:	Yes

Reporter:

Name	Atlanta Gas Light				
Address	Ten Peachtree Place N.E.	City	Atlanta		
State	GA	Zip	30309		
Contact	Christy Rainwater	Phone	404-584-3135		

Probable Violator:

Name	I & C Telecom, Inc.		
Address	Attn: Corina Melnichuc 1377 Duncan Lane	City	Auburn
State	GA	Zip	30011
Contact	Corina Melnichuc	Phone	773-430-2600

Description:

3/3/23 Valerie sent email saying if she paid fine for case 20-16985 would it cover this case as well. discussed with Will and the answer was no. the training will cover both cases. if she follows up and resolves 16985 staff will call her and reduce $5,000 fine to $2,500.OJ
2/9/23 - Rcvd FO NOH cert. mail receipt with illegible signature date missing. (MPM)
2/8/23 - Valerie Varney call @ 630-706-0190 with I & C Telecom, Inc., she requested OJ to call her back, I sent email. (MR)
8/1/22 sent email to Valerie stating we have no response after case results were sent to her. OJ

Investigator Notes:

respond, Staff decided to pull case, I gave Valerie my email so that they can send response. OJ
3/21/22 - Rcvd. Rule NISI cert. mail receipt with illegible signature dated ? 3/15/22?. (MM)
3/3/22 - R.N. set for 4/27/22 hearing (MR)
12/28/21 FILE AUDIT* No response set hearing date. OJ
10/6/21 - Remailed NOPV to respondent

Root Cause of Damage:

Root Cause: Excavation practices not sufficient

2nd-Level Cause: Failure to maintain clearance with powered equipment - as defined by applicable state regulations or underground facility owner

Save Print Create Case # Add Mailing Contacts

Events

e100	Case Submitted	4/1/2020 9:34:47 AM	Delete
e110	PV Report Received	4/2/2020 11:06:39 AM	Delete
e130	Send Discovery Letter	4/2/2020 11:06:46 AM	Delete
int02	Process Hold	4/2/2020 11:07:49 AM	Delete
int02A	Process Hold Cancelled	4/2/2020 11:07:52 AM	Delete
e146	Investigation Pending	4/2/2020 11:07:59 AM	Delete
e147	Supervisor Review	4/2/2020 11:11:48 AM	Delete
e148	Investigation Report Complete	12/11/2020 7:57:40 AM	Delete
e217	Send CA Package	12/11/2020 7:57:54 AM	Delete
e240	Respondent Failed to Respond to CA	1/25/2022 2:44:49 PM	Delete

e290	Docket# Assigned	1/25/2022 2:44:55 PM	Delete
e300	Staff Recommendation Memorandum Issued	1/25/2022 2:48:00 PM	Delete
e320	Case Placed on Administrative Session Agenda	3/3/2022 12:15:33 PM	Delete
e300	Staff Recommendation Memorandum Issued	10/24/2022 11:32:35 AM	Delete
e320	Case Placed on Administrative Session Agenda	10/24/2022 11:32:47 AM	Delete
e330	GPSC Decision: Rule NISI Issued	10/24/2022 11:41:37 AM	Delete
e300	Staff Recommendation Memorandum Issued	5/3/2023 1:16:57 PM	Delete
e320	Case Placed on Administrative Session Agenda	5/3/2023 1:17:03 PM	Delete
e340	GPSC Decision: Final Order Issued	5/3/2023 1:17:08 PM	Delete
e349	Respondent failed to abide by the order	6/28/2023 11:43:07 AM	Delete
int02	Process Hold	11/9/2023 11:12:58 AM	Delete
int02A	Process Hold Cancelled	11/9/2023 11:13:02 AM	Delete

Add Event Case Closed-e999 Add

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Privacy Statement

I & C Telecom, Inc., Docket 43389; PSC 20-18262

INVESTIGATOR NOTES:

****BATCH WITH CASE 20-18262, 20-18264, 20-18277 and 20-18278****

6/29/22 FILE AUDIT, almost 30 days with no return response from attorney, Move forward with hearing date. OJ

6/2/22 sent email to Valerie on case result and options waiting on response, contractor still has an additional open case 16985. OJ

6/1/22 IN VIOLATION all cases need to contact lawyer and go over options. OJ

5/25/22 - CASE 18262 Incident report from AGL ready for file, Line appears to be marked correctly. damage occurred in grassy area. IN VIOLATION. OJ

5/24/22 email from lawyer wanting pre ex proof lines were marked correctly on all cases. sent b.l requests to agl for all 4 cases. OJ

5/9/22 called and spoke to Sallie T., I called atty. Valerie Varney back and she stated she didn't have time to speak to me regarding the notice of hearing regarding her client, I did state to her that the case is important and unfortuantely she replied that she has a more important task to take care of and she did not want to lose he train of thought, I told her to call us back when it's better for her, unfortunately, it's not to late. (MR)

4/27/22 a CPA rep named Valerie called, said she and client cant make hearing. I told her the contractor has not responded and I told her our process and how to respond, Staff decided to pull case, I gave Valerie my email so that they can send response. OJ

3/21/22 - Rcvd. Rule NISI cert. mail receipt with illegible signature dated ? 3/15/22?. (MM)

3/3/22 - R.N. set for 4/27/22 hearing (MR)

12/28/21 FILE AUDIT* No response set hearing date. OJ

10/6/21 - Remailed NOPV to respondent

11/9/23 - File is given to MM to begin case from the beginning per W.C. due to NOPV not being signed (M.R.)

9/13/23 - file prep for MM to be placed on the next agenda for f.o.

7/25/23 sending revised Ca with reduced penalty by email. OJ

7/22/23 - GUCA training certificate dated 4/28/23 rcvd. on 5/3/23. (See Case 20-16985 and notation for 3/3/23 below to reduce penalty). (MM)

6/28/23 - case was given to MM to add to the agenda for 46-2-91. (MR) /// SEE 7/27/23 Admin Session Agenda Section C-2 for case listing. (MM)

5/25/23 - Rcvd. FO cert. mail receipt signature illegible dated 5/20/23. (MPM)

5/3/23 - final order created from rec. f.o. (MR)

3/3/23 Valerie sent email saying if she paid fine for case 20-16985 would it cover this case as well. discussed with Will and the answer was no. the training will cover both cases. if she follows up and resolves 16985 staff will call her and reduce $5,000 fine to $2,500.OJ

2/9/23 - Rcvd FO NOH cert. mail receipt with illegible signature date missing. (MPM)

2/8/23 - Valerie Varney call @ 630-706-0190 with I & C Telecom, Inc., she requested OJ to call her back, I sent email. (MR)

8/1/22 sent email to Valerie stating we have no response after case results were sent to her. OJ

Georgia Utility Facility Protection Act

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Violation

25-9-8(a) 25-9-8(a) Striking, damaging, injuring or loosening any utility facility which has been staked or marked. Delete

25-9-8(b) 25-9-8(b) Failure to exercise reasonable care when excavating or blasting is to take place within the tolerance zone. Delete

New Violation: 25-9-12#Failure to meet emergency excavation notice requirement (false emergencies) Add

Case #	PSC 20-18264	Report Date	4/1/2020	Incident Date	3/27/2020	Closed Date	
Docket #	43389	Report #		Incident Address	2645 Dallas Highway		
Fine Ordered	0	Fine Collected	0	Incident City	Marietta	Incident County	Cobb
Mitigated Amount	0	Fine	0	Repair Cost	6985	Violation #	
Investigator Name	Onterio Johnson			Jurisdiction	NOT REPORTED		
FAC Owner	Atlanta Gas Light	FAC Owner Phone	404-584-3135	Affected Facility:	Natural Gas	Material:	Plastic
Excavator	IMC TELECOM	Excavator Phone	773-430-2600	Size	2 inch	Pressure	Medium
Excavator Type	Contractor	Excavating For: Facility Type	Telecommunications	Company	Unknown/Other		
		Explanation	IMC TELECOM for Quanta Telecom				
Locator	S&N Locating Service	Locator Phone	770-530-8790	Utility Line Function	Main	Affected Customer #	2
Locate #	02250-400-159	Equipment Used	Directional Drilling	Telecom Meeting		Energy Meeting	
Nature of Excavation	Telecommunications	Excavation Direction		Final Report	Yes		
Outpatient #	0	Inpatient #	0	Fire Response	UnKnown	Police Response	UnKnown
		Was Facility Located:	Yes			Were locate marks within 18in:	Yes

Reporter:

Name	Atlanta Gas Light				
Address	Ten Peachtree Place N.E.	City	Atlanta		
State	GA	Zip	30309		
Contact	Christy Rainwater	Phone	404-584-3135		

Probable Violator:

Name	I & C Telecom, Inc.		
Address	1377 Duncan Lane	City	Auburn
State	GA	Zip	30011
Contact	Brandon Brown	Phone	773-430-2600

Description: IMC telecom hit and damaged a 2-inch gas main with a directional drill while boring.

Investigator Notes:

****BATCH WITH CASE 20-18262, 20-18264, 20-18277 and 20-18278****
9/13/23 - file prep for MM to be placed on the next agenda for f.o.
6/28/23 - case was given to MM to add to the agenda for 46-2-91 (MR)
6/1/22 Incident report ready for file. damage occurred in line with locate marks it appears contractor is IN VIOLATION, pre-ex photo indicate proper locate prior to damage.. OJ

Root Cause of Damage:

Root Cause: Excavation practices not sufficient

2nd-Level Cause: Failure to maintain clearance with powered equipment - as defined by applicable state regulations or underground facility owner

Save Print Create Case # Add Mailing Contacts

Events

e100	Case Submitted	4/1/2020 1:48:25 PM	Delete
e110	PV Report Received	4/2/2020 11:16:55 AM	Delete
e130	Send Discovery Letter	4/2/2020 11:16:59 AM	Delete
int02	Process Hold	4/2/2020 11:19:21 AM	Delete
int02A	Process Hold Cancelled	4/2/2020 11:19:25 AM	Delete
e146	Investigation Pending	4/2/2020 11:19:29 AM	Delete
e147	Supervisor Review	4/2/2020 11:20:16 AM	Delete
e148	Investigation Report Complete	12/11/2020 7:50:46 AM	Delete
e217	Send CA Package	12/11/2020 7:51:20 AM	Delete
e240	Respondent Failed to Respond to CA	1/25/2022 2:43:50 PM	Delete
e290	Docket# Assigned	1/25/2022 2:43:56 PM	Delete

e300	Staff Recommendation Memorandum Issued	1/25/2022 2:44:06 PM	Delete
e320	Case Placed on Administrative Session Agenda	3/3/2022 12:34:52 PM	Delete
e300	Staff Recommendation Memorandum Issued	10/24/2022 12:06:02 PM	Delete
e320	Case Placed on Administrative Session Agenda	10/24/2022 12:06:19 PM	Delete
e330	GPSC Decision: Rule NISI Issued	10/24/2022 12:06:27 PM	Delete
e300	Staff Recommendation Memorandum Issued	5/3/2023 1:24:14 PM	Delete
e320	Case Placed on Administrative Session Agenda	5/3/2023 1:24:19 PM	Delete
e340	GPSC Decision: Final Order Issued	5/3/2023 1:24:25 PM	Delete
e349	Respondent failed to abide by the order	6/28/2023 11:44:03 AM	Delete

Add Event 46-2-91 Rule NISI-e250 Add

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Case Detail

Violation

25-9-8(a)	25-9-8(a) Striking, damaging, injuring or loosening any utility facility which has been staked or marked.	Delete
25-9-8(b)	25-9-8(b) Failure to exercise reasonable care when excavating or blasting is to take place within the tolerance zone.	Delete
New Violation:	25-9-12#Failure to meet emergency excavation notice requirement (false emergencies)	Add

Case #	PSC 20-18277	Report Date	3/25/2020	Incident Date	3/12/2020	Closed Date	
Docket #	43389	Report #		Incident Address	3130 Cobb Parkway		
Fine Ordered	0	Fine Collected	0	Incident City	Marietta	Incident County	Cobb
Mitigated Amount	0	Fine	0	Repair Cost	7390	Violation #	
Investigator Name	Onterio Johnson			Jurisdiction	NOT REPORTED		
FAC Owner	Atlanta Gas Light	FAC Owner Phone	404-584-3135	Affected Facility:	Natural Gas	Material:	Plastic
Excavator	I&C Telecom Inc.	Excavator Phone	773-430-2600	Size	2 inch	Pressure	Medium
Excavator Type	Contractor	Excavating For: Facility Type	Telecommunications	Company	Unknown/Other		
		Explanation	I&C Telecom Inc. for Quanta Telecom				
Locator	S&N Locating Service	Locator Phone	770-530-8790	Utility Line Function	Main	Affected Customer #	0
Locate #	01270-400-024	Equipment Used	Directional Drilling	Telecom Meeting		Energy Meeting	
Nature of Excavation	Telecommunications	Excavation Direction		Final Report	Yes		
Outpatient #	0	Inpatient #	0	Fire Response	UnKnown	Police Response	UnKnown
		Was Facility Located:	Yes			Were locate marks within 18in:	Yes

Reporter:

Name	Atlanta Gas Light			Name	I & C Telecom, Inc.		
Address	Ten Peachtree Place N.E.	City	Atlanta	Address	1410 General Arts Road	City	Conyers
State	GA	Zip	30309	State	GA	Zip	30012
Contact	Christy Rainwater	Phone	404-584-3135	Contact	Leonardo Cruz	Phone	773-430-2600

Description: I&C Telecom Inc. a contractor for Quanta Telecom damaged a 2-inch gas main with a directional drill while boring.

Investigator Notes:
****BATCH WITH CASE 20-18262, 20-18264, 20-18277 and 20-18278****
9/13/23 - file prep for MM to be placed on the next agenda for f.o.
5/25/22 Incident report ready for case file IN VIOLATION pre ex show properly marked facility compared to damage photos. OJ
5/3/23 - final order created from rec. f.o. (MR)

Root Cause of Damage:

Root Cause: Excavation practices not sufficient
2nd-Level Cause: Failure to maintain clearance with powered equipment - as defined by applicable state regulations or underground facility owner

Save Print Create Case # Add Mailing Contacts

Events

e100	Case Submitted	3/25/2020 10:12:01 AM	Delete
e110	PV Report Received	4/2/2020 1:26:42 PM	Delete
e130	Send Discovery Letter	4/2/2020 1:26:49 PM	Delete
int02	Process Hold	4/2/2020 1:34:54 PM	Delete
int02A	Process Hold Cancelled	4/2/2020 1:34:57 PM	Delete
e146	Investigation Pending	4/2/2020 1:35:18 PM	Delete
e147	Supervisor Review	4/2/2020 1:36:18 PM	Delete
e148	Investigation Report Complete	12/11/2020 7:46:51 AM	Delete
e217	Send CA Package	12/11/2020 7:46:58 AM	Delete
e240	Respondent Failed to Respond to CA	1/25/2022 2:43:15 PM	Delete
e290	Docket# Assigned	1/25/2022 2:43:23 PM	Delete

e300	Staff Recommendation Memorandum Issued	1/25/2022 2:43:28 PM	Delete
e320	Case Placed on Administrative Session Agenda	3/3/2022 12:33:11 PM	Delete
e300	Staff Recommendation Memorandum Issued	10/24/2022 12:06:51 PM	Delete
e320	Case Placed on Administrative Session Agenda	10/24/2022 12:07:02 PM	Delete
e330	GPSC Decision: Rule NISI Issued	10/24/2022 12:07:09 PM	Delete
e300	Staff Recommendation Memorandum Issued	5/3/2023 1:22:18 PM	Delete
e320	Case Placed on Administrative Session Agenda	5/3/2023 1:22:23 PM	Delete
e340	GPSC Decision: Final Order Issued	5/3/2023 1:22:28 PM	Delete
e349	Respondent failed to abide by the order	6/28/2023 11:42:42 AM	Delete

Add Event 46-2-91 Rule NISI-e250 Add

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Georgia Utility Facility Protection Act

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Case Detail

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Violation

25-9-8(a)	25-9-8(a) Striking, damaging, injuring or loosening any utility facility which has been staked or marked.	Delete
25-9-8(b)	25-9-8(b) Failure to exercise reasonable care when excavating or blasting is to take place within the tolerance zone.	Delete
New Violation:	25-9-12#Failure to meet emergency excavation notice requirement (false emergencies)	Add

Case #	PSC 20-18278	Report Date	2/10/2020	Incident Date	2/5/2020	Closed Date	
Docket #	43389	Report #		Incident Address	1812 Sandy Plains Road		
Fine Ordered	0	Fine Collected	0	Incident City	Marietta	Incident County	Cobb
Mitigated Amount	0	Fine	0	Repair Cost	18002	Violation #	
Investigator Name	Onterio Johnson			Jurisdiction	NOT REPORTED		
FAC Owner	Atlanta Gas Light	FAC Owner Phone	404-584-3135	Affected Facility:	Natural Gas	Material:	Plastic
Excavator	I&C Telecom Inc.	Excavator Phone	773-430-2000	Size	4 inch	Pressure	Medium
Excavator Type	Contractor	Excavating For: Facility Type	CableTV	Company	Unknown/Other		
		Explanation	I&T Telecom Inc for QUANTA				
Locator	USIC Locating Service	Locator Phone	317-810-8077	Utility Line Function	Main	Affected Customer #	0
Locate #	01300-286-020	Equipment Used	Directional Drilling	Telecom Meeting		Energy Meeting	
Nature of Excavation	Cable TV	Excavation Direction		Final Report	Yes		
Outpatient #	0	Inpatient #	0	Fire Response	UnKnown	Police Response	UnKnown
		Was Facility Located:	Yes			Were locate marks within 18in:	Yes

Reporter:

Name	Atlanta Gas Light				
Address	Ten Peachtree Place N.E.	City	Atlanta		
State	GA	Zip	30309		
Contact	Christy Rainwater	Phone	404-584-3135		

Probable Violator:

Name	I & C Telecom, Inc.				
Address	1377 Duncan Lane	City	Auburn		
State	GA	Zip	30011		
Contact	N/A	Phone	773-430-2000		

Description	I&T Telecom hit and damaged a 4-inch gas main with a directional drill while drilling to install cable conduit.
Investigator Notes	****BATCH WITH CASE 20-18262, 20-18264, 20-18277 and 20-18278**** 9/13/23 - file prep for MM to be placed on the next agenda for f.o. 6/28/23 - case was given to MM to add to the agenda for 46-2-91 (MR) 5/25/22 Incident report ready for file. IN VIOLATION compared to damage photo, pre ex photos indicate a proper locate prior to damage. OJ 5/3/23 - final order created from rec. f.o. (MR)

Root Cause of Damage:

Root Cause	Excavation practices not sufficient
2nd-Level Cause	Failure to maintain clearance with powered equipment - as defined by applicable state regulations or underground facility owner

Save Print Create Case # Add Mailing Contacts

Events

e100	Case Submitted	2/10/2020 3:00:08 PM	Delete
e110	PV Report Received	4/2/2020 1:40:35 PM	Delete
e130	Send Discovery Letter	4/2/2020 1:40:42 PM	Delete
int02	Process Hold	4/2/2020 1:44:42 PM	Delete
int02A	Process Hold Cancelled	4/2/2020 1:44:46 PM	Delete
e146	Investigation Pending	4/2/2020 1:44:53 PM	Delete
e147	Supervisor Review	4/2/2020 1:45:44 PM	Delete
e148	Investigation Report Complete	12/11/2020 7:44:55 AM	Delete
e217	Send CA Package	12/11/2020 7:45:12 AM	Delete
e240	Respondent Failed to Respond to CA	1/25/2022 2:42:38 PM	Delete
e290	Docket# Assigned	1/25/2022 2:42:45 PM	Delete

e300	Staff Recommendation Memorandum Issued	1/25/2022 2:42:50 PM	Delete
e320	Case Placed on Administrative Session Agenda	3/3/2022 12:32:20 PM	Delete
e300	Staff Recommendation Memorandum Issued	10/24/2022 12:08:44 PM	Delete
e320	Case Placed on Administrative Session Agenda	10/24/2022 12:08:56 PM	Delete
e330	GPSC Decision: Rule NISI Issued	10/24/2022 12:09:04 PM	Delete
e300	Staff Recommendation Memorandum Issued	5/3/2023 1:20:40 PM	Delete
e320	Case Placed on Administrative Session Agenda	5/3/2023 1:20:47 PM	Delete
e340	GPSC Decision: Final Order Issued	5/3/2023 1:20:53 PM	Delete
e349	Respondent failed to abide by the order	6/28/2023 11:40:26 AM	Delete

Add Event 46-2-91 Rule NISI-e250 Add

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